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**From:** Traub, M. Darren  
**To:** 'mdhlaw@haywoode.com' <mdhlaw@haywoode.com>  
**Cc:** Mollen, Scott; William.Kelly@wilsonelser.com <William.Kelly@wilsonelser.com>  
**Sent:** Sun Apr 19 19:58:09 2009  
**Subject:** RE: Edmonds v. Seavey

Mel:

The documents that we made available for inspection by your team (which consisted of your son Arthur, Aimme and Oxana, and one of the accountants from CG&P) were due to be produced on April 28th, long after the deposition of Phyllis Seavey. Nonetheless, because you wanted them to be reviewed before the depositions of CG&P, we made them available on Wednesday and Thursday of last week as a professional courtesy. And, as I had informed you prior to the review, the documents were available for inspection at Dalton and, after you decided which documents, if any, you wanted to copy, we would discuss how to photocopy the documents. Not once did you or anyone from your firm contact me about making photocopies or reproductions. Moreover, none of these documents relate to or impact your ability to take the deposition of Phyllis Seavey. Your transparent last minute attempt to delay depositions that have been noticed long before you latest document request (and indeed, don't impact ANY of the depositions) constitutes dilatory and sanctionable conduct. Indeed, this issue was never raised prior to tonight, and, if real, could have been dealt with Thursday when it allegedly arose.

Again, I reiterate that we and our client will be at our office at 10:00 for the deposition and noticed. Additionally, we will be convening for the depositions of CG&P on Tuesday and Wednesday. If you do not appear, we will move for the appropriate sanctions pursuant to FRCP 30(g). Govern yourself accordingly.

**M. Darren Traub**  
Herrick Feinstein, LLP  
2 Park Avenue  
New York, NY 10016  
Direct Dial: 212.592.1578  
Direct Fax: 212.545.2307

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**From:** mdhlaw@haywoode.com [mailto:mdhlaw@haywoode.com]  
**Sent:** Sunday, April 19, 2009 7:43 PM  
**To:** Traub, M. Darren  
**Cc:** Mollen, Scott; William.Kelly@wilsonelser.com  
**Subject:** RE: Edmonds v. Seavey

Counsellors:

We have retained diverse accountants to assist with an expedited discovery schedule in an effort to comply with the Court's Order. I am now advised Ron Dawley has seized upon multiple documents set aside for copying on Thursday, April 16th, and states he will not release these until they are reviewed and approved for release by Herrick Feinstein. This conduct constitutes an obstruction of justice and the discovery process. Your insistence on proceeding with the deposition of Phyllis Seavey under these circumstances seems in aid of this obstructive conduct, and borders on the

unconscionable. This office will not proceed with the deposition of any further defendant until this issue is resolved.

M. Douglas Haywoode

----- Original Message -----

Subject: RE: Edmonds v. Seavey  
From: "Traub, M. Darren" <dtraub@herrick.com>  
Date: Sun, April 19, 2009 2:26 pm  
To: <mdhlaw@haywoode.com>, <William.Kelly@wilsonelser.com>  
Cc: "Mollen, Scott" <smollen@herrick.com>

Mel:

We will not cancel the deposition and plan to make the witness available as scheduled. If you believe that you do not have discovery available to proceed with a certain line of questioning, you can make your statement on the record at that time and continue with the remainder of the deposition. If you do not appear, please be advised that we will move for costs of our appearance and will not produce Mrs. Seavey again without a Court order.

M. Darren Traub  
Herrick Feinstein, LLP  
2 Park Avenue  
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-----Original Message-----

From: mdhlaw@haywoode.com [<mailto:mdhlaw@haywoode.com>]  
Sent: Sunday, April 19, 2009 5:17 PM  
To: Traub, M. Darren; William.Kelly@wilsonelser.com  
Subject: RE: Edmonds v. Seavey

We are unable to proceed with the scheduled deposition of Phyllis Seavey due to obstructions in the discovery process. We will arrange a conference call in the morning to discuss the situation.

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